

Appn. No. 09/717,767

Attorney Docket No. 5709-159

III. Remarks

Claims 1 through 4 and 6 through 19 are pending in the application. Claim 5 has been cancelled. Claims 1, 2, 9, 12 and 15 have been amended. No new claims have been added and 18 claims thus remain under consideration.

Issue Regarding "Radiused"

In the Office Action mailed April 4, 2005, the Examiner noted Applicants use of the term "radiused," and suggested providing a definition or an alternate word. Responsive thereto, the word "radiused" appearing in claims 2 and 12 has been replaced with "rounded." It is submitted that this word is conventional and thus does not require definition or explanation.

Rejections Under 35 USC §112

In the subject Office Action, claims 1 through 4 and 6 through 8 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, in claim 1, lines 6 through 7, the Examiner stated that it appears "one of said slots" should be --said first slot--. In claim 1, lines 8 through 9, it appears that "said first face" should be --said second face--. In claim 1, line 10, it appears that "said second face" should be --said first face--. At the outset, the undersigned attorney thanks the Examiner for noting these inconsistencies in the claims and moving prosecution forward. Said corrections have been made by way of this Amendment. It is submitted that the claim can now be readily understood and that the rejection under 35 U.S.C. §112, second paragraph, has been overcome and should be withdrawn.

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Rejections Under 35 USC §102

Turning then to the rejection on art, the Examiner has rejected claims 1 through 4, 6, 7, 9 through 13, 15 through 17, and 19 under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,128,859 to Vance (Vance) and therefore unpatentable. Vance teaches a mechanically interlocked weatherstrip having a cover with a web which is received within one slot of an S-shaped body and a projection which is received within a complementary recess on the body. The body includes a second oppositely directed slot which receives a flange portion of a vehicle. Adjacent the second slot are wiper flanges which contact the glass light.

Applicants' attorney respectfully contravenes this rejection on several grounds. First of all, the invention is different and the claims recite elements simply neither found nor suggested in the applied reference.

As stated above, Vance teaches a mechanically interlocked weatherstrip wherein an S-shaped body portion (50) receives both a mounting flange (62) of a vehicle and a depending bulbous portion (40) of a cover (30). The cover (30) includes a free end (34) which contacts the body of a motor vehicle and a second end having complementary features which engage features of the body 50. Figure 2 of the Vance reference is particularly illustrative of this design.

By way of contrast, Applicants' device, illustrated in Figure 3 of the application drawings, includes a unitary body (50) having opposed slots for receiving a vehicle flange and a central flange of a cover (30). The body (50) includes wiper flanges (74) and a flange (54) including a flexible terminal portion (72) that engages the body of the motor vehicle. The body (50) thus includes all mechanical and functional features for mounting and mechanical interaction with a vehicle and its components, i.e., wiping of the window and contact and sealing with the exterior of the vehicle.

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Installed in the upwardly opening slot (64) of the body (50) is the cover (30) which is essentially a cosmetic feature which may be color keyed to the vehicle and which extends from the recess (68) in the flange (54) over the front of the body (50) to a region adjacent the window.

From the foregoing, It is apparent that the structures and relationships of the structures in Vance '059 and Applicants' invention are distinct and not obvious.

In the final paragraph of the Examiner's action, it is noted that Applicants have utilized certain terminology which the Examiner asserts fails to clearly and positively set forth the claimed invention. Responsive thereto, Applicants' attorney has undertaken significant amendment to the independent claims of this patent application in order to both more clearly recite the structure of the present invention and more explicitly define the relationships therebetween. For example, claim 1 now recites that the flexible flange extends from the first face of the body and has a terminal portion for engaging a motor vehicle. The flexible flange also includes a curved recess. Additionally, the curved recess is recited specifically for receiving a complementary portion of one of the flange portions of the cover.

In claim 9, the expression "adapted to" has been removed and replaced with specific language such as "for engaging" or "for receiving".

With regard to claim 15, the recess in the vehicle engaging flange is now described as curved and the received end portion of one of the flanges of the cover is described as complementary to the curved recess.

The indication of allowability of claims 8, 14 and 18 if rewritten in independent form and to overcome the rejections under 35 U.S.C. §112, second paragraph, is acknowledged. The opportunity to achieve allowance by incorporating these limitations into their respective independent claims has not been exercised at this

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time, however, due to a firm opinion that Applicants' invention is entitled to broader coverage than that so obtained.

Entry of these revised claims is respectfully requested. Such claims revisions were not previously undertaken in view of the belief that the previously submitted claims were patentable. The undersigned thanks the Examiner for the suggestions contained in the subject Office Action and has endeavored to fully incorporate them in this Amendment.

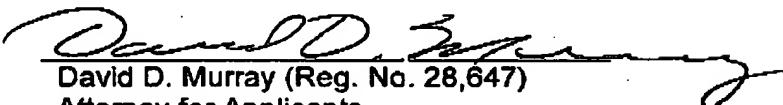
SUMMARY

Pending Claims 1 through 4 and 6 through 19, as amended, are patentable. Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

July 5, 2005

Date


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